

COMSCINST 4622.9K	COG CODE N10	DATE 23 JUN 1981
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DEPARTMENT OF THE NAVY
 COMMANDER MILITARY SEALIFT COMMAND
 WASHINGTON NAVY YARD BLDG 210
 901 M STREET SE
 WASHINGTON DC 20398-5540

COMSCINST 4622.9K
 M-10
 23 June 1981

COMSC INSTRUCTION 4622.9K

Subj: POLICY AND CONDITIONS GOVERNING MSC USE OF FOREIGN FLAG SHIPS

1. Purpose. To set forth policy and provide guidance applicable to use of foreign flag shipping and specify the extent to which MSC area and subarea commands may arrange for such shipping without prior approval of COMSC.
2. Cancellation. COMSCINST 4622.9J.
3. Policy
 - a. It is Department of Defense (DOD) policy that no cargoes financed by appropriated funds and booked by MSC area commands for ocean transportation within the Defense Transportation System will be carried on foreign flag ships. Exception to this policy may be made when U.S. flag ships (1) are not available (2) are not available at reasonable prices as determined by the President or (3) will not meet deadline dates on cargo which is needed to meet urgent military requirements. When one of these conditions exists, foreign flag shipping may be employed by MSC. An urgent military requirement is deemed to exist when the loading or delivery of cargo or the arrangements incident thereto cannot be deferred without risk to cargo or to the efficiency, maintenance, or morale of Department of Defense activities and personnel overseas, or when such deferment will adversely affect, to an unwarranted degree, the use of port facilities.
 - b. When lift requirements generate in volume on a continuing basis on trade routes not served by U.S. flag shipping, or where U.S. flag service is insufficient to meet the requirements, COMSC will consider the capability available from the National Defense Reserve Fleet prior to authorizing the use of foreign flag shipping.

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c. Procedures for accomplishment of ocean tows are set forth in COMSCINST 4740.1. In the negotiation of tow contracts, as opposed to affreightment contracts, no distinction shall be made between U.S. and foreign flag tugs in making the award, unless the tow is to be between two places in the United States, its territories or possessions in which event only U.S. flag tugs will be considered. MSC is obligated to accept the lowest cost ocean towage offered which meets requirements.

4. Action

a. Except as authorized in paragraph 5, MSC area and subarea commands will obtain COMSC approval prior to arranging for the shipment of military cargo in a foreign flag ship. Requests for approval shall cite the cargo requirements, and the names, flags and owners of all ships available and capable of providing the service required. The names of U.S. flag carriers solicited who express no interest in providing service shall also be furnished. Requests from MSC overseas commands for the use of foreign flag shipping shall include the rates, terms and conditions applicable to the proposed shipment.

b. The following order of preference will be observed by MSC area and subarea commands when booking "container required" or containerizable cargo. (This includes household goods, baggage and POV's):

(1) Cargo will be booked for movement in containers on U.S. flag ships for the entire voyage.

(2) Cargo will be booked for movement as break bulk cargo, when required, to permit its movement on U.S. flag ships for the entire voyage. This requirement is applicable unless such movement is found by the cognizant MSC contracting officer to be unsuitable due to reasons other than those of convenience or economy. In these instances a written finding is required for retention in the applicable contract file.

(3) Cargo may be booked for movement in containers on a combination of U.S. flag and foreign flag ships only when U.S. flag shipping is unavailable for the entire voyage or is available but movement in such ships is found to be unsuitable in accordance with paragraph 5b(2).

(4) Cargo will be booked for movement in a combination of U.S. flag and foreign flag ships when the alternative is movement solely in foreign flag ships.

c. When U.S. flag shipping is not available and the use of foreign flag shipping is necessary to meet delivery requirements of household goods, privately owned vehicles (POV's), or personal effects (including unaccompanied baggage), the MSC representative

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responsible for booking the cargo will include in the Clearance Order/Shipping Order (MSC Form 4612/1) the following certification:

"I certify that it is necessary to transport the household goods, POV's or personal effect specified herein via a foreign flag ship because no U.S. flag service is available."

If the shipment is to move under a Government Bill of Lading (GBL), the Clearance Order will further specify that the foregoing certification is to be made on the GBL and signed by the Issuing Officer. If the shipment moves under a Bill of Lading will be made either by (1) the MSC representative responsible for booking the cargo or (2) the MSC Certifying Officer authorizing payment. A rubber stamp may be used to facilitate this procedure provided that the certification is personally signed, in each instance, by the responsible officer or employee.

5. Authorization

a. In the event COMSC charts a foreign flag, ship, in response to a specific requirement, further authorization for its use is not required unless the cognizant MSC command intends to employ or divert the ship to meet a requirement other than that for which the ship was initially chartered.

b. When COMSC approval of a foreign flag booking has been granted, MSC commands in CONUS are authorized to adjust amounts of cargo subsequently offered on the same booking without further reference to COMSC provided: (1) any upward and (2) facts supporting the original approval remain unchanged.

c. Subject to the policy and requirements set forth herein, the following MSC commands are authorized to arrange for shipments in foreign flag ships, to the extent indicated, without prior COMSC approval. This authority shall not be redelegated to subordinate commands unless otherwise provided herein.

(1) MSC area and subarea commands: Shipments of Department of Defense mail.

(2) MSC area commands in CONUS: Shipments not to exceed 100 M/T.

(3) COMSCLANT:

(a) Shipments between U.S. East Coast ports and Iceland.

(b) Intra-Iceland shipments not to exceed 150 M/T per shipment with redelegation to MSC Representative, Keflavik, Iceland, authorized.

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(4) COMSCFE: Inter and intra-area shipments not to exceed 750 M/T.

(5) COMSCEUR: Inter and intra-area shipments not to exceed 750 M/T, except for intra-area transshipments of ammo for which local arrangements may be made as required.

(6) COMSCPAC: Shipments from U.S. West Coast to Northwest Cape, Australia.

/S/

B. KEENER, III

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